

Serial No. 10/587,430

Amendment Dated: August 1, 2008

Reply to Office Action Mailed: March 18, 2008

Attorney Docket No. 095309.58063US

REMARKS

This amendment is submitted in response to the outstanding Office Action dated March 18, 2008. Claims 14-16 and 24-26 are pending in this application. Claims 1-13 have previously been cancelled and claims 17-23 have previously been withdrawn from consideration. By this paper, claim 14 has been amended. Reconsideration of the above-identified application in view of the foregoing amendment and following remarks is respectfully requested.

Claim Rejections under 35 U.S.C. § 112

The Office Action had rejected claims 14-16 and 24-26 under 35 U.S.C. § 112, second paragraph, because the “covering” “fails to set forth any connection or attachment between the covering and the other structural elements, in a manner to clearly and positively define the invention.” Claim 14 has been amended to recite, “an intermediate space between the downward side of the head cushion and an upper side of the back rest is shielded to the rear by means of a covering, wherein the covering is an extension of the rear side of the head restraint.” Accordingly, applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 112.

Claim Rejections under 35 U.S.C. § 102(b)

Claim 14 has been rejected under 35 U.S.C. § 102(b) as being anticipated by Hoeppler (DE 10046216) (“Hoeppler”). Applicants respectfully traverse this rejection.

The Office Action states Hoeppler “appears to show structure as claimed, including a fan 11 in an air duct opening 9, ‘heating element’ 4, and shield 7.” What Hoeppler shows, however, is an infrared radiator whose reflector has a light opening that is directed downwards towards the shoulder/neck region of a vehicle seat passenger.

In contrast, applicants’ claimed invention relates to a vehicle seat with a hot air outlet opening arranged on the lower side of the head cushion. The intermediate space between the head cushion and the back rest is shielded to the rear of the space to create a heat cushion that extends over the shoulder region of the vehicle seat occupant. Claim 14 specifically requires “a heating device for heating the neck and head region of a seat occupant with hot air; wherein, the heating device has an air-guiding duct which is arranged in the head cushion and has a hot air outlet opening.” Applicants respectfully submit that this subject matter is not taught nor suggested by Hoeppler. Accordingly, applicants respectfully submit that amended claim 14 is allowable over Hoeppler and requests withdrawal of the rejection.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 14, 16 and 24-26 have been rejected under 35 U.S.C. 103(a) as being obvious over Mertens (US Pat. 3,706,472) (“Mertens”) or Bogisch et. al. (US Pat. Pub. 2002/0041116 A1) (“Bogish”) in view of Arold (DE 19949935) (“Arold”).

As stated, previously, Claim 14 of the application requires “a heating device for heating the neck and head region of a seat occupant with hot air; wherein, the heating device has an air-guiding duct which is arranged in the head cushion and has a hot air outlet opening.” As the specification describes, one of the objects of this vehicle seat “is to improve the hot air heating of the neck and head region of a seat occupant in such a manner that the sensation of coziness felt by seat occupants [is] improved, even for those of differing body size” as set forth in paragraph [00004]. As the specification further describes, the claimed invention achieves this goal for several reasons including that “the hot air outlet opening is arranged on the lower side of the head cushion, and the intermediate space between head cushion and back rest to the rear is shielded.”

In contrast, Mertens discloses a head rest for a vehicle seat for the “protection of a passenger against shock or damage to the cervical spinal column or to the head or the brain” in an accident. (Mertens, Col. 1: 52-61). This is achieved with, “a head rest, in which the interior frame structure is as rigid as possible and which can be tilted as close to the head as possible.” (Mertens,

Col. 2: 1-3). Bogisch discloses a windbreak device for an open motor vehicle that is integrated in the backrest of the vehicle seat. In Bogish, the air outflow openings are arranged on narrow sides of the vehicle seat. (Bogish claim 4).

None of the cited references, taken alone or in combination, teach or suggest "a heating device for heating the neck and head region of a seat occupant with hot air; wherein, the heating device has an air-guiding duct which is arranged in the head cushion and has a hot air outlet opening" of claim 14. Accordingly, claim 14 is allowable over the cited prior art and withdrawal of the rejection is respectfully requested.

Since claims 15-16 and 24-26 depend from claim 14, those claims should be allowable for similar reasons.

Applicants have chosen in the interest of expediting prosecution of this application to distinguish the cited documents from the pending claims as set forth above. Likewise, applicants have not specifically addressed the rejections of each of the dependent claims. Applicants respectfully submit that the independent claims from which they depend are in condition for allowance as set forth above. Accordingly, the dependent claims are also in a condition for allowance. Applicants, however, reserve the right to address the rejections of the dependent claims in the future as appropriate.

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The Examiner's consideration of this matter is gratefully acknowledged.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned. If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 095309.58063US).

Respectfully submitted,

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